

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 4:19-cr-00260-SDJ-BD
	)	
ESVIN FERNANDO MARROQUIN TUPAS	)	
_____	)	

**AGREED MOTION FOR CONTINUANCE OF  
FINAL PRETRIAL CONFERENCE**

COMES NOW the Defendant, ESVIN FERNANDO MARROQUIN TUPAS, by and through undersigned counsel, and respectfully files this Agreed-to Motion for a Continuance of the Final Pretrial Conference and as support therefore would state.

1. As per the Court's Pre Trial order, and because of the agreement reached between the Defendant and the Government, the Government filed a notice of plea agreement (DE# 33), elements of the offense (DE #34), the executed and sealed plea agreement (DE#35), and the factual basis underlying the plea agreement (DE#37) with the Court on August 18<sup>th</sup>, 2025.
2. On August 19<sup>th</sup>, the Court set the Change of Plea hearing for September 3<sup>rd</sup>, 2025. Defense counsel was unaware that a motion to extend the final pretrial conference, which is currently set for September 8<sup>th</sup>, 2025, was required, and mistakenly prepared and filed a motion to continue the change of plea hearing yesterday, August 19<sup>th</sup>, 2025. Counsel was informed that the proper vehicle for the relief sought was to prepare and file the present motion.
3. Counsel is leaving for vacation over the Labor Day weekend. Counsel will be out of the office from Friday, August 29<sup>th</sup>, 2025, and will return to the office on Monday,

September 8<sup>th</sup>, 2025. Counsel spoke with Assistant United States Attorney Christopher Rapp on August 19<sup>th</sup>, who agreed with the Defendant's original request for a continuance of the change of plea hearing. Counsel has communicated today with Assistant United States Attorney Christopher Rapp regarding the relief sought.

4. This case has been resolved via plea agreement and a short continuance of the final pretrial conference will not prejudice the Government or the Defendant.
5. Counsel and Assistant United States Attorney Christopher Rapp can confer with chambers to identify when the Court would be available in September for the change of plea hearing, if the Court is inclined to agree to a short continuance of the final pretrial conference based on Counsel's vacation plans.

WHEREFORE, the Defendant respectfully requests that the Final Pre Trial-Conference be Continued for a short time to a mutually agreeable date in September.

Respectfully submitted,

/s/ Alexander F. Fox

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#### **CERTIFICATE OF CONFERENCE**

I hereby certify that on the 20th day of August 2025, Defense counsel communicated via email with Assistant United States Attorney Christopher Rapp, and he agrees with this Motion to Continue the Final Pre Trial Conference.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20<sup>th</sup> day of August 2025, the foregoing Agreed to Motion for Continuance of Final Pre Trial-Conference was filed electronically via CM/ECF. As such, this motion was served on all counsel who have consented to electronic service.

Respectfully submitted,

/s/ Alexander F. Fox

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